IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

CHAMBER SUMMONS NO.1864 OF 2004
IN
SUIT NO. 3845 OF 2000

A

Pandurang M. Rahate ...Plffs
vs.
Hindustan Construction
Co.Ltd and Ors. ....Defendants.

None for the plffs.
Plaintiff present in person.
J.K. Ahwad i/b. S.D. Mogre for defendant nos.1, 2, 3, 5 and 6.

CORAM: S.U. KAMDAR, J.

DATE : 4TH MAY, 2005.

P.C. :

1. The present chamber summons is taken out by the defendants for directions that various documents which are referred to in Schedule-A to the chamber summon be furnished. The present chamber summons has been resisted by the defendant on the ground that the plaintiff is not entitled to inspection and copies of the said

documents which are referred to in Schedule-A to the chamber summons. The dispute is between the plaintiff who is the employee of the defendant and the company. In the present suit the claim of the plaintiff is for damages on the ground that he has suffered mental agony and for other reasons during the period when he was in employment of the defendant company. In this suit he desires that the defendants should produce the documents which are set out in Schedule-A. Admittedly the said documents are in possession of the defendants. The said documents which are set out in schedule-A are directly pertains to and concerned to the cause of action in the suit. These are the documents by which the terms and conditions of the plantiff was governed in the course of his employment with the defendant company. In my opinion the said documents are necessary to be produced by the defendants if the plaintiff desires the copies thereof. The objection of the learned counsel for the defendant that the said documents are not relevant to the claim of damages can not be

accepted as they are directly related to the cause of action.

2. Thereafter learned counsel has contended that there are no provisions in the CPC to grant such a relief and that this court has no power and/or jurisdiction to pass any such order. In my opinion the court has ample power to pass such orders under order 11 rule 14 of the CPC which reads as under :

> Order 11 Rule 14- Production of documents
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> It shall be lawful for the court, at any time during the pendency of any suit, to order the production by any party thereto, upon oath, of such of the documents in his possession or power, relating to any matter in question in such suit, as the court shall think right and the court may deal with such documents, when produced, in such manner as shall appear just."

5. In the course of the trial all the documents which are in possession of the party if found necessary or even called upon by the other parties to produce such documents is is required

to be produced under the aforesaid provision. In view thereof chamber summons made absolute in terms of prayer (a). The defendants are directed to furnish the papers and documents as set out in schedule -A thereof within a period of four weeks. In so far as item no.8 is concerned it is clarified that the defendant company will produce the same of any one year as and by way of example, if the court directs at the hearing of the suit then defendant shall produce the same will be produced for the remaining years.

sd/-

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